

## Fair Political Practices Commission

### Memorandum

**To:** Chairman Getman and Commissioners Downey, Knox, Scott and Swanson

**From:** Kelly L. Winsor, Legal Analyst, Legal Division  
Lawrence T. Woodlock, Senior Commission Counsel, Legal Division  
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**Subject:** Annual Technical Clean-Up Packet  
Adoption of Proposed Amendments to Regulations 18406, 18427.1, 18723 and 18960 and Repeal of Regulation 18416

**Date:** May 14, 2001

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#### Background:

The Legal Division periodically conducts a review of Commission regulations to keep them current. In January 2001, the Commission adopted several conforming amendments to the conflict of interest regulations as a result of Phase 2 and recent legislative amendments to the Political Reform Act (“the Act”).<sup>1</sup> Several of the proposed amendments set forth below are necessary to update other regulations based on recent legislative amendments. In addition, several technical “clean-up” amendments are proposed which eliminate outdated references or make similar conforming changes. All of the proposed amendments are non-substantive in nature. Staff presented the proposed amendments for pre-notice discussion at the April 2001 meeting; staff now recommends adoption of these amendments. The proposed amendments do not differ from those presented in April.

#### Overview of the Specific Regulations (attached):

**Regulation 18406:** Regulation 18406 was previously amended to implement a legislative amendment to Government Code Section 84206 which requires certain candidates or officeholders to send written notification within 48 hours when they receive contributions or make expenditures of \$1,000 or more. In the current version of Regulation 18406, subsection (b)(3) states that the notification can be sent by telegram. However, a specific form for the notification, Form 470 Supplement, has been approved by the Commission. It is not possible to file the form by telegram. This proposed regulatory amendment deletes the word “telegram” from the language of the regulation.

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<sup>1</sup> Government Code Sections 81000-91014. Commission regulations appear at Title 2, Sections 18000 – 18997 of the California Code of Regulations.

**Regulation 18416:** Former Government Code Sections 84216(e) and 84216.5(d) specified loan reporting requirements in addition to the information required by Government Code Section 84211. Regulation 18416, entitled “Annual Loan Reports,” was adopted to implement those additional reporting requirements. As a result of SB 2076, Government Code Section 84211 was amended to include the additional information required by Government Code Sections 84216(e) and 84216.5(d), and Government Code Sections 84216(e) and 84216.5(d) were deleted. As the statutory bases for this regulation no longer exist, Regulation 18416 should be repealed.

**Regulation 18427.1:** Government Code Section 83116(c) provides for the maximum amount of penalty to be paid per violation of the Act. As a result of the passage of Proposition 34, the maximum amount of the penalty was increased from \$2,000 to \$5,000. This regulation should be amended accordingly.

**Regulation 18723:** Elected members of the Board of Administration of the Public Employees’ Retirement System are included in the definition of “elective state office” contained in Government Code Section 82024. Government Code Section 87200 is applicable to elected state officers. The current version of Regulation 18723 provides the deadlines for filing of annual statements of economic interests for each person who holds an office specified in Government Code Section 87200. However, the current version of Regulation 18723 does not specify the filing deadline for members of the Board of Administration of the Public Employees’ Retirement System. This proposed regulatory amendment is necessary to clarify the filing deadline for filing of annual statements of economic interests for members of the Board of Administration of the Public Employees’ Retirement System.

**Regulation 18960:** This proposed regulatory amendment is necessary due to the legislative increase in AB 974, effective January 1, 2001.

Attachments